

17-31-2. Purposes of transient room tax and expenditure of revenues -- Purchase or lease of facilities -- Mitigating impacts of recreation, tourism, or conventions -- Issuance of bonds.

(1) Any county legislative body may impose the transient room tax provided for in Section 59-12-301 for the purposes of:

- (a) establishing and promoting recreation, tourism, film production, and conventions;
- (b) acquiring, leasing, constructing, furnishing, maintaining, or operating:
 - (i) convention meeting rooms;
 - (ii) exhibit halls;
 - (iii) visitor information centers;
 - (iv) museums;
 - (v) sports and recreation facilities including practice fields, stadiums, and arenas; and
 - (vi) related facilities;
- (c) acquiring land, leasing land, or making payments for construction or infrastructure improvements required for or related to the purposes listed in Subsection (1)(b); and
- (d) as required to mitigate the impacts of recreation, tourism, or conventions in counties of the fourth, fifth, and sixth class, paying for:
 - (i) solid waste disposal operations;
 - (ii) emergency medical services;
 - (iii) search and rescue activities; and
 - (iv) law enforcement activities.

(2) Except as provided in Subsection (4), a county may not expend more than 1/3 of the revenues generated by the transient room tax provided in Section 59-12-301 for any combination of the following purposes:

- (a) (i) acquiring, leasing, constructing, furnishing, maintaining, or operating:
 - (A) convention meeting rooms;
 - (B) exhibit halls;
 - (C) visitor information centers;
 - (D) museums;
 - (E) sports and recreation facilities including practice fields, stadiums, and arenas; and
 - (F) related facilities; and
- (ii) acquiring land, leasing land, or making payments for construction or infrastructure improvements required for or related to the purposes described in Subsection (2)(a)(i);
- (b) as required to mitigate the impacts of recreation, tourism, or conventions in counties of the fourth, fifth, and sixth class, to pay for:
 - (i) solid waste disposal operations;
 - (ii) emergency medical services;
 - (iii) search and rescue activities; and
 - (iv) law enforcement activities; or
- (c) making the annual payment of principal, interest, premiums, and necessary reserves for any or the aggregate of bonds authorized under Subsection (3).

(3) (a) The county legislative body may issue bonds or cause bonds to be issued, as permitted by law, to pay all or part of any costs incurred for the purposes set forth in Subsection (2)(a) or (b) that are permitted to be paid from bond proceeds.

(b) Except as provided in Subsection (4), if the revenues generated by the transient room tax provided in Section 59-12-301 are not needed for payment of principal, interest, premiums, and reserves on bonds issued as provided in Subsection (2)(c), the county legislative body shall expend those revenues as provided in Subsection (1), subject to the limitation of Subsection (2).

(4) If, on or after October 1, 2006, a county legislative body imposes a tax or increases the rate of a tax in accordance with Section 59-12-301 at a rate that exceeds 3%, the county legislative body:

(a) may expend revenues generated by the portion of the rate that exceeds 3% for any purpose described in Subsections (1) through (3); and

(b) is not subject to any limits on the amount of revenues that may be expended for a purpose described in Subsection (2).

Amended by Chapter 328, 2006 General Session

17-31-3. Reserve fund authorized -- Use of collected funds.

The county legislative body may create a reserve fund and any funds collected but not expended during any fiscal year shall be retained in a special fund to be used in accordance with Sections 17-31-2 through 17-31-5.

Amended by Chapter 176, 2014 General Session

17-31-5. General powers of board.

The county legislative body may do and perform any and all other acts and things necessary, convenient, desirable, or appropriate to carry out the provisions of Sections 17-31-2 through 17-31-5.

Amended by Chapter 79, 1996 General Session

17-31-5.5. Independent audit -- Report to county legislative body -- Content.

(1) The legislative body of each county imposing the transient room tax provided for in Section 59-12-301 shall annually engage an independent auditor to perform an audit to verify that transient room tax funds are used only as authorized by this chapter and to report the findings of the audit to the county legislative body.

(2) Subsection (1) applies to the tourism, recreation, cultural, convention, and airport facilities tax provided for in Section 59-12-603, except that the audit verification required under this Subsection (2) shall be for the uses authorized under Section 59-12-603.

(3) The report required under Subsection (1) shall include a breakdown of expenditures into the following categories:

(a) for the transient room tax, identification of expenditures for:

(i) establishing and promoting:

- (A) recreation;
- (B) tourism;
- (C) film production; and
- (D) conventions;
- (ii) acquiring, leasing, constructing, furnishing, or operating:
 - (A) convention meeting rooms;
 - (B) exhibit halls;
 - (C) visitor information centers;
 - (D) museums; and
 - (E) related facilities;
- (iii) acquiring or leasing land required for or related to the purposes listed in Subsection (3)(a)(ii);
- (iv) mitigation costs as identified in Subsection 17-31-2(1)(d); and
- (v) making the annual payment of principal, interest, premiums, and necessary reserves for any or the aggregate of bonds issued to pay for costs referred to in Subsections 17-31-2(2)(c) and (3)(a); and
- (b) for the tourism, recreation, cultural, convention, and airport facilities tax, identification of expenditures for:
 - (i) financing tourism promotion, which means an activity to develop, encourage, solicit, or market tourism that attracts transient guests to the county, including planning, product development, and advertising;
 - (ii) the development, operation, and maintenance of the following facilities as defined in Section 59-12-602:
 - (A) an airport facility;
 - (B) a convention facility;
 - (C) a cultural facility;
 - (D) a recreation facility; and
 - (E) a tourist facility; and
 - (iii) a pledge as security for evidences of indebtedness under Subsection 59-12-603(3).
- (4) A county legislative body shall provide a copy of a report it receives under this section to:
 - (a) the Governor's Office of Economic Development;
 - (b) its tourism tax advisory board; and
 - (c) the Office of the Legislative Fiscal Analyst.

Amended by Chapter 286, 2008 General Session

17-31-8. Tourism tax advisory boards.

- (1) (a) Except as provided in Subsection (1)(b), any county that collects the following taxes shall operate a tourism tax advisory board:
 - (i) the tax allowed under Section 59-12-301; or
 - (ii) the tax allowed under Section 59-12-603.
- (b) Notwithstanding Subsection (1)(a), a county is exempt from Subsection (1)(a) if the county has an existing board, council, committee, convention visitor's bureau, or body that substantially conforms with Subsections (2), (3), and (4).

(2) A tourism tax advisory board created under Subsection (1) shall consist of at least five members.

(3) A tourism tax advisory board shall be composed of the following members that are residents of the county:

(a) a majority of the members shall be current employees of entities in the county that are subject to the taxes referred to in Section 59-12-301 or 59-12-603; and

(b) the balance of the board's membership shall be employees of recreational facilities, convention facilities, museums, cultural attractions, or other tourism related industries located within the county.

(4) (a) Each tourism tax advisory board shall advise the county legislative body on the best use of revenues collected from the tax allowed under Section 59-12-301 by providing the legislative body with a priority listing for proposed expenditures based on projected available tax revenues supplied to the board by the county legislative body on an annual basis.

(b) Each tourism tax advisory board in a county operating under the county commission form of government under Section 17-52-501 or the expanded county commission form under Section 17-52-502 shall advise the county legislative body on the best use of revenues collected from the tax allowed under Section 59-12-603 by providing the legislative body with a priority listing for proposed expenditures based on projected available tax revenues supplied to the board by the county legislative body on an annual basis.

(5) A member of any county tourism tax advisory board:

(a) may not receive compensation or benefits for the member's services; and

(b) may receive per diem and expenses incurred in the performance of the member's official duties.

Amended by Chapter 134, 2006 General Session

17-31-9. Payment to Stay Another Day and Bounce Back Fund and Hotel Impact Mitigation Fund.

A county in which a qualified hotel, as defined in Section 63M-1-3402, is located shall:

(1) make an annual payment to the Division of Finance:

(a) for deposit into the Stay Another Day and Bounce Back Fund, established in Section 63M-1-3411;

(b) for any year in which the Governor's Office of Economic Development issues a tax credit certificate, as defined in Section 63M-1-3402; and

(c) in the amount of 5% of the state portion, as defined in Section 63M-1-3402; and

(2) make payments to the Division of Finance:

(a) for deposit into the Hotel Impact Mitigation Fund, created in Section 63M-1-3412;

(b) for each year described in Subsection 63M-1-3412(5)(a)(ii) during which the balance of the Hotel Impact Mitigation Fund, defined in Section 63M-1-3412, is less than \$2,100,000 before any payment for that year under Subsection 63M-1-3412(5)(a); and

(c) in the amount of the difference between \$2,100,000 and the balance of the Hotel Impact Mitigation Fund, defined in Section 63M-1-3412, before any payment for that year under Subsection 63M-1-3412(5)(a).

Enacted by Chapter 429, 2014 General Session